P F 69/93

G. R. S. (A. 5)

Previous reference 1892-93

192 ( )

File No 135/92

Serial Nos 1—10

Later reference

GENERAL AND REVENUE SECRETARIAT

Serial No. 1—10

Major Path Book November 1894

Appeal of Naga Gowda of Holavanhalli Koratagere Sub Taluk, regarding the Patel.

2

Proceedings of the Chief Commissioner of Mysore, Department of Revenue, Agriculture and Commerce, 18th September 1877.

From the Commissioner, Nundydroog Division, To the Secretary to the Chief Commissioner of Mysore, General Department, No. R. 85 dated 3rd August 1877.

Under the circumstances represented in the accompanying correspondence, I have the honor to solicit the Chief Commissioner's authority for the revision of the Shanbhogs' charges referred to.

From the Offg. Deputy Commissioner, Túmkúr District, To the Commissioner of the Nundydroog Division, No. 306, dated Túmkúr, 29th June 1877.

I have the honor to solicit information as to whether it lies within the Deputy Commissioner's power to revise Shanbhogs' or Patels' charges which have been fixed by the Survey and Settlement Department.

From the Commissioner, Nundydroog Division, To the Offg. Deputy Commissioner, Túmkúr District, No. 329, dated 16th July 1877.

Deputy Commissioner's No. 306 of the 29th ultimo.

Requests to be informed of the taluk in which the Deputy Commissioner wishes to revise Shanbhogs' or Patels' charges, and whether the Deputy Commissioner was consulted and his opinion obtained when the villages were apportioned to each Patel and Shanbhog in the taluk by the Survey Department, as laid down in the concluding para of the Chief Commisioner's Proceedings No. 6118—R. 189, dated 22nd September 1876.

From the Offg. Deputy Commissioner Túmkúr District To the Commissioner, Nundydroog Division, No. 427, dated Túmkúr, 27th July 1877.

With reference to your docket No. 329, dated 16th instant, I have the honor to state that the reference arose in the following wise: a revenue suit has been pending in this office in which the parties concerned being cousins were performing the duties of Shanbhog of certain villages in the Sira Taluk by turns and enjoying the emoluments thereof; but when the Survey Department determined the Shanbhogs' charges of the taluk in question, the parties were confirmed in the Shanbhog office of the villages then held by them, owing to which the plaintiff in the case under reference alleges that he was subjected to loss in consequence of the unequal division of the villages.

2. Under these circumstances I solicited the favé of your instructions as to the revision of the Shanbhogs' charges which had been fixed by the Survey Department, in order to enable me to divide the charges equally and distribute the amount of compensation proportionately.

3. Finally, I beg to add that there are no records in this office to shew that the Deputy Commissioner was consulted when the villages were apportioned to each Shanbhog; the circular, however, alluded to was issued some years after the taluk in question was settled.

From the Survey and Settlement Commissioner, Mysore To the Secretary to the Chief Commissioner of Mysore, General Department, No. 1162, dated Poona, 30th August 1877.

With reference to Chief Commissioner's No. *5203—115 of the 24th instant, I have the honor to make the following report.

*Accompaniment returned.

2. The charges of village officers, Pátels and Shanbhogs, are fixed by the Superintendent, Revenue Survey, after due examination of the revenues and position of villages in regard to one another so as to obtain the most convenient arrangement for the public service and the due remuneration of the village officers. Practically these arrangements are confined to the Shanbhogs, since there is as a very general rule one Patel to one village, while one Shanbhog often has hitherto held ten or twenty villages which require to be broken up into one or more charges.

3. As emoluments go with the charge of villages, and charges from the respective locality of villages cannot always be made precisely equal, but range between the maximum and minimum amounts fixed by rule; it naturally happens that in sub-dividing a charge one incumbent thinks that a different sub-division to that effected would be more advantageous to him than the sub-division actually effected,

and if litigation were open to him would readily resort to that means of endeavouring to obtain some advantage, and if litigation were not open but appeal to the ordinary revenue administration were open, he would try his chances there.

4. It is I think in the very last degree inadvisable that any encouragement whatever should be given to appeals in the settlement of village officers' charges; in no point of administration is finality more called for, as in no matter will petty intrigue with public officers be carried to greater lengths. The two strongest motives in the nature of the class of people composing the village officers are elicited in their greatest intensity, the desire of gaining something for himself and the desire to injure another person, of course without the slightest regard for the due performance of the duties of the office.

5. The interest of Government is confined to the exaction of the duties of the office in the most efficient manner, the remuneration of the officitor is paid direct from the treasury and the approval of the officiator rests entirely in the hands of the officers of Government. Under these circumstances an absolute prohibition or at any rate prevention of litigation appears as feasible as it is expedient.

6. While I would most strongly advocate an entire discouragement of any re-opening of the settlement of charges, I would advocate the provision of some defined mode of examining special cases in which by error or oversight some arrangement open to objection on public grounds may have been made. On grounds of private convenience I would allow no case to be re-opened, and to this end I would propose that for one year after the introduction of the permanent remuneration any necessary changes in charges may be made by the Deputy Commissioner and Superintendent of Survey and Settlement in concert, the object and necessity for the change being set forth by the officer proposing it in an English memo; but no such changes should be proposed or agreed to except on clear public grounds duly set forth.

7. The Deputy Commissioner of Tumkúr gives no particulars whatever of the nature of the case referred to by him, or even of the taluk in which it has occurred so, I can give no opinion whatever regarding it. But in no case of permanent remuneration being introduced are the charges fixed by the Superintendent of Settlement without the concurrence of the Deputy Commissioner.

8. In the south of the Bombay Presidency, the state of things as regards village officers is identical with that in Mysore, and their remuneration is provided for under rules identical in principle. So much trouble was caused by appeals and complaints from the decisions of the local officers and the intrigue in connection with these appeals and complaints had become such a scandal, that Bombay Act III of 1874, commonly called the Wattandar Act, was passed for the purpose of regulating the course of procedure in these cases and placing them beyond the sphere of petty intrigue.

No. 6006—Rev. 14, dated Bangalore, 18th September 1877.

Order thereon.—The Chief Commissioner concurs in the opinion expressed by the Honorable Colonel Anderson that after the work of apportioning the Shanbhogs' charges has been effected by the Survey Department, no facilities should be given to disturbing the settlement, and there is no question that even the process of the revenue courts may be made the means of oppressive litigation.

2. Where any change is called for on public grounds, the nature of the proposal should be set forth by the Deputy Commissioner, as soon after the settlement as possible, in a memorandum to be furnished to the Superintendent of Revenue Survey and Settlement, who will take action thereon, if deemed proper, in concert with the Deputy Commissioner. In cases of doubt a reference should be made to the Commissioner of the Division to whom the proceedings will, in all case, be reported by the Deputy Commissioner.

3. In cases where the revision is desired by the parties themselves or any one of them, the application must be made within one year after the date of the settlement, and in the event of the application being deemed a reasonable and proper one, the Deputy Commissioner should institute the necessary enquiry and proceed as in the case referred to in the preceding para.

T. CLARKE,
Secretary.

To—The Survey and Settlement Commissioner.
" Superintendent, Revenue Survey.
" Commissioners of Divisions.
" Deputy Commissioners of Districts.

51

Note
- There is also a
Cross Appeal dated
14-8-93.

Precis

A.S No 47 of 89-2-93

Appellants / Deffts
1 Nage gowda
2 Hanumanta
gowda

Respondents / Plffs
1 Nage gowda
Son of male gowda
2 Veere gowda

This is a dispute
regarding the Patel
of Holenahalli and
six other villages in
Kortagere Sub Taluk
Tumkur District

On the 18th
Dec. 1890 the 1st Respt
Nage gowda and his
two Sons Veera Hanum
gowda & Veere gowda
filed a Suit against
the Appellants and one
Amirachar before the
Deputy Commr of Tumk

Plff:
1 Nage gowda
2 Veera Hanume
gowda
3 Veere gowda

Defts:
1 Nage gowda
2 Hanumanta
gowda minor
3 Amirachari

for the recovery of the above referred Patelli office.

The following is the plaint:

1 That the 2nd & the 3rd Plffs are Sons of the 1st Plff, and they are undivided.

2 That from 1864 up to 1870 the 1st Plff Naga Gowda and Mudde Gowda father of the 1st Defl were doing the Patelli duties of Holavana halli and six other villages as registered Hukoan Patels.

3 That Plaintiff 1.2.d 3 went to Minasandra village in 1873 asking the 1st Defl to look after their Patelli duties for some time (ie until they returned).

4 That Plffs returned to their village from Minasandra in 1882 and found that the 1st Defl had during

9

Seven villages in question as registered hukoom Pateli from 1864 up to 1870?

2 Did the Plffs whilst leaving their village for Minasandra ask the 1st Defd to look after their duties for some time?

3 Did the 1st Defd in the absence of Plffs from the village, fraudulently get the Pateli split up into two Charys and get one of them registered in his name and the other in the name of his minor son the 2d Defd?

4 Did the 1st Defd really present a petition in 1885 for the registry of one of the Charys in the name of 3d Plff?

5 Are the Plffs hukoom to the pateli of the seven villages in question?

6 To what relief are Plffs entitled?

[Six witnesses were examined for Plff and Exhibits A to G were filed.

The Defts examined 4 witnesses and filed Exhibits 1 & 2.]

The Deputy Amins findings on issues 1. 2. 4 & 5 were ~~[illegible]~~ in favour of to Plaintiffs and his finding on the 3d issue however was unfavorable to them.

[The Deputy Amin submitted his findings on the several issues and the records of the case to the Deputy Comr.

The Deputy Comr thereupon referred the case to Mr K. Rama chandra Rau Govt Asst Comr for disposal.]

The 2d Plff Veera Hanume Gowda seems to have died sometime in the month of March 1892 (vide 3d Plff Veere Gowda's statement of 9. 4. 92 before the Govt

13

which the other two belongs
died issueless. The other
two persons of Kunchati
wokkaliga caste who
were related to each other
as "gnates" were left to
look after the duties
as registrars.

It is proved by the
evidence (in the case)
that 1st Defft male gowda
Nage gowda and Mudde
gowda father of the 1st
Defl were doing the duties
by turns till 1866-67.
As the 1st Defft Nage gowda
left this village with his
family in 1866-67 and
remained for some years
in Minasandra only
he failed to do the
pateli duties in his turn.
Mudde gowda alone
father of 1st Defl performed
the entire duties. After
the death of Mudde gowda
the Pateli was under the
Deputy Commrs orders

dated 21st may 1881 split up into two charges, Holavanhalli Kusba forming one charge and the remaining six villages Byggenahalli &c constituting another charge. The Pateli of Holavanhalli was registered in the name of the 2d Defdt Hanumanta Gowda Pradhan (Sons Sea) of the deceased registerar, and the Pateli of the remaining 6 villages Byggenahalli &c was registered in the name of the 1st Defdt Son of the deceased registerar. As Hanumantha Gowda was a minor one Seshachar was appointed as his gumasta. Gumaste Seshachar was dismissed for bad conduct, under ~~order dated~~ order No 255 dated 20th October 1883 received from the district office. Since that date and until 1885 the 1st

(Vide ~~boote~~ Extract of 26-1-88 from the Pateli Regr of 1884)

Note 1st Defdt Naga Gowda ~~seems~~ seems to have been directed to look after the Pateli duties of Holavanhalli Kusba until Hanumanta Gowda attained majority ~~boote~~ vide Order No 367 of 17-1-84

V5

Defl alone looked after the patell duties of both the charges. On the 12th April 1885 the 1st Defl presented a petition to the Genl Asst Commr that as he ~~had~~ there was too much work, the patell of the 6 villages Duggenahalli &c might be registered in the name of his "gnatee" Veere Gowda 3d Plff, and that orders might be passed allowing him (1st Defl) to look after the police duties of both the charges and the 3d Plff to look after the revenue duties of the same. To the same effect he (1st Defl) gave a statement before the Deputy Amildar But ~~previous to the aforesaid~~ before the above arrangement was sanctioned the 3d Plff commenced to assist the 1st Defl in his duties. Some time afterwards, owing to some

Veere Naga Gowda's statement before the Dy Amildar on the 30th May 1885

misunderstanding between the 1st defl and the 3d Plff, the former objected + to ~~the direction therefrom~~ ~~being accorded~~ + to the arrangement he himself had proposed in his petition referred to above the Genl Asst Commr then passed an order No 37 dated 7th March 1889. Again there was a dispute. The Deputy Commr ~~possibly~~ passed an order No 51 dated 7th June 1890 that a Gumasta should be appointed with the consent of both the 1st and the 2d defts. On the 19th August 1890 the Deputy Commr finally ~~ordered~~ appointed Annia Chari 3rd Defl, with the Consent of both the 1st & the 2d Defts, to look after the Patel duties as Gumasta of 2d defl until he (2d Defl) attained the majority. This order has been carried into effect

@ The date of the order seems to be 3rd July 89. This order directs that Veere Gowda should temporarily do the Patel duties as Gumasta.

7

The 1st Defl Nagegowda has been doing the Patel's duties of the Six villages Duggenahalli &c. These are the principal facts of the case. The Plff and the Defts 1 & 2 are related to each other as grandsons.

7 Of the three persons whose claims were recognized as per Bara bakuti Register of 1864, ~~two claimants~~ Basava Linge gowda died issueless and his claims are thus extinguished; and of the remaining two registerdars the 1st Plff Male gowda nagegowda is still alive, and the other registerdar Middegowda having died the 1st and the 2d Defts as his representatives put forward their claims. It would have been just, ~~proper~~ if at the splitting up of the Patel's into two

Charges in 1881 one of the charges had been assigned to the 1st Plff and the other to Defts 1 & 2. Instead of that both the charges have passed to the family of Defts 1 & 2. The 1st Plffs name is still permanently retained in the Register that has not been interfered with by any order the Plffs' family has been however out of employment since 1866-67 Although 3d Plff, have served since 1885 and until a few years afterwards looked after the duties he can be considered to have done so only as a subordinate to the 1st Defts, and not in his own independent right.

8 The 3d Plff now desires that the Village may be again divided and he permitted to look after the duties of some of them

20

9 On consideration of the foregoing circumstances, I decide that on the occurrence of a vacancy of one of the two charges now in the possession of Defts, the joint registered 1st Plff or his representative 3d Plff ~~would not~~ shall be entitled to obtain possession thereof each party should bear his or their own costs

Judgt of the asst Commr Dated 18-4-92.

The 1st & the 3d Plffs then appealed to the Dy Commr against the above order on the following grounds:

noli
The 2d Plff died vide ante page of this Proc.

1 That the Genl Asst Commr was wrong in deciding that the Plff. shd be given one of the charges only on the occurrence of a vacancy, although he (Genl Asst Commr) has actually recognized the right of Plff.

2 that the Genl Asst
Commrs finding that
the 3rd Pltf had discharged
the Patel duties for
some years, merely as
guardian of 1st Defts
and not in his own
~~independent~~ right ~~in~~ to
opposed to the evidence
adduced in the case.

On hearing the
appeal the Deputy
Commr passed the
following judgment:

Dated 1st July 1892

" × × ×

In 1881 the Patel
was divided into two
circles. For one of which
the Defts was registered
as Patel and for the
other his minor son.
The Pltffs name was
omitted, apparently
because he was not
then doing duty. Sub
- sequently ie in 1885
the Defts acknowledged
the Pltffs title to the

Office and requested that his son might be appointed to one of the circles. Accordingly the Plff's son was put in charge of one of them and he held it for about 4 or 5 years and then summarily put out of office owing to some misunderstanding, the Deft saying that he was only acting as gymnasta

It will thus be seen that both parties are admittedly entitled to the office and this is also the finding of the lower court.

× × ×

Temporary absence rendered necessary by circumstances does not, I believe, deprive one of his "luck", but it was doubtless not very proper on the part of the Plff to have left

25 Translation of Petition dated
12 April 1885 addressed by
Patil Bapuji Sa of Hola-
-vanahalli to the Financial
Assistant Commissioner
Dharwar Sub Dist

To the Patil of Holavana-
halli stands registered in
the name of Mudlu Hari-
manta and that of the
village forming Harpa
gondana halli Tenka
my name. Tho Mudlu is
a minor I have been per
forming the duties of both
these offices myself. As I
am unable to look after
two duties, I request that
Harpagond anahalli Tenka
may be registered in the
name of my paternal
uncle Son Sa Gonda
& the work get from him

Memo of Instructions
addressed by Sub
Magistrate

(From Dr)

SKB
9/8

Survey Settlement 76-77
Kundgol Taluka Petitions - 1877-78

2 Respondent 2nd Deposition of Eeregowda son of Nanjegowda of Holavanahalli Koratagere Sub Taluk

Nanjegowda of our village has appealed to the Dewan Huzur against the order of the Dy. Commissioner for the Patel of Holavanahalli and other villages. He also filed a ~~Review~~ petition ~~to the District Huzur~~ for review of the decision, after an appeal to the District Huzur. It is not yet disposed and pending in the Dewan Huzur. Nanjegowda contended that my suit was barred by limitation. I stated that I was not deprived of the enjoyment of the office and that we both of us were enjoying the office by sharing the duties. To decide this matter the case is remanded for further evidence. On searching the papers produced for documentary evidence I found the karar [explaining enjoyment] of the dated 25 June 84 executed by Nanjegowda, his son the 1st appellant Nanjegowda, Ray-

32

and called by Mr. Justice Rice
and the Record of the 16th day
of March Term. And
Upon Reading the Petition
of the Respondent and
Recognizance and Affidavit and
Certificate of the Justice
Allowing the Appeal for
Same. It is Ordered that
Subscription to the Recognizance
for the Appellant with
Sureties be Allowed
Exceptions filed and Record
to Stay Proceedings
is Ordered. Motion Respondent
Costs Examination by Magistrate
Respondent.

It is Adjudged that the Exceptions
of the Respondent to the Magistrate
of the Stay Proceedings Respondent
Petition of the Appellant Motion for
Certificate of the Justice of the
Appellant and Record
Examination.

Petition of Respondent for Stay of Proceedings
Exceptions to Record Examined.
Stay of Proceedings and Respondent
Exceptions Examined. Subscription by
Certificate Respondent and Record to
the Appeal Stay Proceedings Motion

84

Kansas Supreme Court Rule No. 5
(As Amended Effective July 1, 1)

Oral Examination by Disciplinary
Administrator.

Rule 205. (a) Time and Notice.
Upon the filing of the letter of
admission, the Disciplinary Administrator
may in his discretion direct the
applicant to appear at a time designated
by the Administrator.

Examination of applicant in writing.
Applicant may be required to answer
in writing questions propounded by the
Administrator. The Administrator may
require the answers to be sworn to
before a notary public. Answers
shall be filed with the Administrator
within 20 days after the date of
mailing the questions to the applicant,
unless the time is extended by the
Administrator. Failure to file answers
within the time specified may be
grounds for denial of admission.
Answers shall be typewritten on
8½ x 11 inch paper with a left-hand
margin of 1½ inches and a right-hand
margin of 1 inch. Each answer shall
be preceded by the question to which
it responds. Answers shall be signed
by the applicant and shall be
accompanied by the applicant's
affidavit stating that the answers
are true and correct to the best of
his knowledge and belief.

Oral Examination by Disciplinary

24

to called the Governor and Lay-Collector and found the Door of the Chamber of Assembly where they used to call the Council. They used to sit in the Chamber

Note. Respondent states that the Appellant Respondent and Plaintiffs Counsel were Counsellors by Patent. Appellant Respondent Plaintiff Patent. He is 18 years of Respondent Attorney Patent. Respondent Patent Appellant Respondent Patent Attorney Patent. He used to call Lays, Lays, Lays, Counsel if he was Counsellor Lay. Some Courts was the Office Secretary Respondent Some Courts was the Council Chamber Door where they Assembled Counsellors Chambers. He used to call Lays Courts Chambers the Court used to call Council at the Chamber. He used to come from the Village into the Assembly Room and into and out of their Patent. He used to call the Lays of the Courts of Assistants and Council Lays Courts. Some Courts were no Courts here. He called the Respondent Appellant. Respondent Patent Lays Attorney Patent. Respondent Patent Attorney Lays. Respondent was Attorney Patent Lays. Plaintiff was Attorney Lays. Plaintiff was Counsellor Lays. Plaintiff was Lays Attorney. Respondent Some Courts Lays Village

W2 Kalaja Lezhës me dy kullat - të
veja jugore të saj kullat - dhe të
dyja të ngjitura me dorezë ballkoni
kanë të njëjtin madhësi ballkoni
kanë dhen shpërbën. Mbrojtësi
drejtimi veri. Aga, Kurtaj shkoi
me të Kalanë fjeshi të Lezhës
Sure. Kanë të njëjtë. Kanë veti
Lezhë jeodë gatë. Të Lezhës Kan
ndërtu. Kalë Zotërinë Kanë
të në Lezhë.

Know all by these Presents that I Edward Bishop of the City of Richmond in the County of Henrico and State of Virginia for and in consideration of the sum of Five Hundred Dollars to me in hand paid by Thomas Bishop of the City of Richmond and State aforesaid the receipt whereof is hereby acknowledged have bargained and sold and by these presents do bargain and sell unto the said Thomas Bishop his heirs and assigns forever all that certain lot piece or parcel of land lying and being in the County of Henrico and State aforesaid and bounded and described as follows to wit: Beginning at a stake on the North side of Main Street in the City of Richmond and running thence along the said Main Street in an Easterly direction Fifty feet to a stake on the corner of Main Street and Eighth Street thence along the said Eighth Street in a Northerly direction One Hundred feet to a stake thence in a Westerly direction Fifty feet to a stake thence in a Southerly direction One Hundred feet to the beginning. Together with the appurtenances thereunto belonging. To have and to hold the said lot piece or parcel of land and premises hereby conveyed unto the said Thomas Bishop his heirs and assigns forever. And the said Edward Bishop for himself his heirs executors and administrators does hereby covenant with the said Thomas Bishop his heirs and assigns that he the said Edward Bishop is lawfully seized of the said lot piece or parcel of land and premises hereby conveyed and has good right to convey the same to the said Thomas Bishop his heirs and assigns forever. And that the said Thomas Bishop his heirs and assigns shall quietly enjoy the said lot piece or parcel of land and premises hereby conveyed free from all encumbrances whatsoever. And the said Edward Bishop for himself his heirs executors and administrators does hereby covenant with the said Thomas Bishop his heirs and assigns that he the said Edward Bishop will execute such further assurances of the said lot piece or parcel of land and premises hereby conveyed as may be requisite. And the said Edward Bishop for himself his heirs executors and administrators does hereby covenant with the said Thomas Bishop his heirs and assigns that he the said Edward Bishop will warrant the said lot piece or parcel of land and premises hereby conveyed against the lawful claims and demands of all persons whatsoever. And the said Edward Bishop for himself his heirs executors and administrators does hereby covenant with the said Thomas Bishop his heirs and assigns that he the said Edward Bishop will warrant the said lot piece or parcel of land and premises hereby conveyed against the lawful claims and demands of all persons whatsoever. And the said Edward Bishop for himself his heirs executors and administrators does hereby covenant with the said Thomas Bishop his heirs and assigns that he the said Edward Bishop will warrant the said lot piece or parcel of land and premises hereby conveyed against the lawful claims and demands of all persons whatsoever.

Wb (8)

Dn No 47 of 1892-93

Appl

1 Nagegowda

2 Honnamadegowda
son of No 1

3 Holavanahalli
Petitioner

Respt

Nagegowda

2 Lingegowda, son
of No 1

Dn No 1864 1st apltt father of Respt was
Patel of the Village being sons of two brothers
In 1866-67, Respt abandoned the Village & went
to Honnasandra & the 1st apltt father also continued
to do duties In 1881 on the death of 1st apltt father
Appt & his son were appointed, Apptt performing the
2d apltt for Holavanahalli In 1885, 1st apltt
disputed before the Dy Commr that as he was unable
to discharge the duties of the office, the Respt
who was his uncle on the Mother's side might be
registered as Patel. till his son attained the age
of majority that he would never continue to do Police
duties, & that the emoluments should be divided
equally between himself & the Respt. — Before the
Inquiry was over, 1st apltt withdrew the
application for re-entry in Dec 1889. In Jan Feby
1888 the Dy Commr declined to approve the arrangement
proposed, & asked the Amildar to appoint a permanent

on behalf of the appts. The Executor passed
some days after the appointment of a guardian
& recommended the 2d Respt to be appointed
as guardian on behalf of Arcus. Her was
sanctioned by the Court in June 1888. as a
temporary arrangement. In Dec 1889, the
1st appt withdrew his consent to the petition
the appointment of the 2d Respt. In 1890, 2d
Respt was turned out of her guardianship
& another appointed. In Dec 1890, the 1st 2d
Respts brought a suit for the office & the Court
decided, that as the Respts had a right
to the office, they should be appointed to one of the
two seats when a vacancy occurred. The
Div Court on appeal modified the decision
& decided that Respts to appts, & the other
way to Respts. The appellants against
this decision. — The Respts have put in
a Cross petition before the Div Court claiming
more than was granted to them. But the Div Court
took no action thereon owing to the appeal before
the appts. —

Appellant's contention is that the
land is Granted by the Law of Limitation. —
It is apparent that, till the case has been

(General Serial No. 32)

189?

(1)

No. 887

Name of Petitioner: (1) Kage Gowda
(2) Government Gowda

Village. Kolavanahally

Taluk. Kasaba cum-

District. Tumkur

Date of Arzi. 19th Oct 189?

Date of Receipt. 21 Oct

Date of Disposal.

No. of Enclosures.

(1) Stamps sufficient
(2) Lower Court Judgment produced
(3) Appeal in time
(4) Rule I cl. (1) of the Add Rules

Call for Rep. with the usual Report
BO
21/10/92
20/10/92

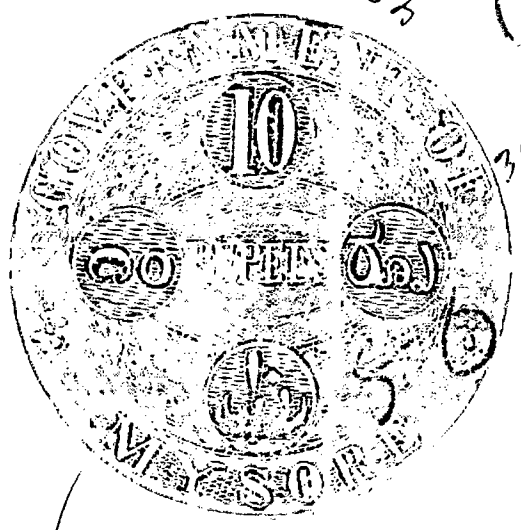
L.R 135-92-1

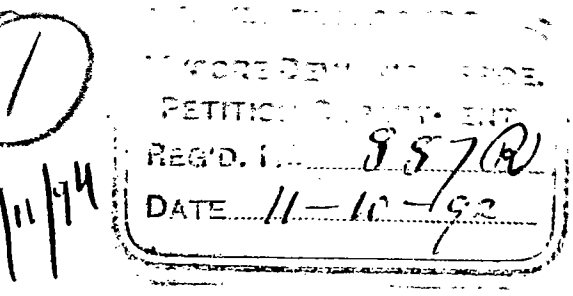
ABSTRACT.

Appeal agt. the decision of the Dy. Comm. Tumkur [illegible] in Regl. Appeal No. 1 of 189? [illegible] in regard [redacted] the Patels of Kolavanahally and 2 others Kasaba Hobli-Tal

SKR
17/10/92

Mysore Govt. Central Press Bangalore—7-9-92,—1000.





30/11/94

MYSORE COURT FEE

A. S. No. 47
92-93.

In the Court of the Dewan and
Councellors to H. H. the Maharaja of
Mysore

Appellants and Defendants

Nagesonda & Hanumanthagond

Vs

Respondents and plaintiffs

Malegonda, Son Nagegonda, & Veeragonda

The defendants (appellants) above
named beg to appeal against the
decision of the Deputy Commissioner
of Tumkur in Revenue appeal No. 11
of 91 and 92 for the following reasons.

The claim of plaintiffs is barred
by the Law of Limitation

2. It has been distinctly proved that
plaintiffs had no possession and enjoyment
of the patailes office for more than quarter
of a century

3. The decision of the learned Deputy
Commissioner is against [illegible] the
Revenue Circulars and [illegible]
dere of the Government [illegible]
gonda

guided by the learned Assistant Commissioner who tried the case in the first instance

4. The decision is against Law weight of evidence and the probabilities of the case

Bangalore.
10th October 1892

S. C. Narayana Rao
Advocate for appellants.

5 2

ಕೋರ್ಟಿನ

ಸನ್ ೧೮೯೨ನೇ ಇಸವಿ

ವಾದಿ.

ಪ್ರತಿವಾದಿ.

ಗೆ.

ಬರಸಿಕೊಟ್ಟ ನಕಾಲತ್ ನಾಮ.

ಸನ್ ೧೮೯೨ನೇ ಇಸವಿ.

ಆಂಗೀಕರಿಸಲ್ಪಟ್ಟಿದೆ.

Printed dy, T. Raghava Chai Tholasee thotum, BANGALORE.

H.L. 516

53

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 887

dated 16 Nov 92 received at the

Dewan's Office from Rage Gundadam

nivate Gunda Gollarahalli

Sintagere Cud. Dk. Chenraya

Re. Encroachments in the Patel

of Gollarahalli & other villages

in the said Dk.

is forwarded, together with its three

enclosures, to the Asst. Commr.

Kunigal for communication of Rage

and a report on the facts of

the case in the joint taken

in the petn.

2. Petn & Encs to be returned

By Order,

Draft.

Mr 25/11/92

Chief Secretary.

BANGALORE, 25 Nov 1892

29

Encl issued 29/10/92

H.R. 135-92-2

(3)

Deputy Commissioner's Office
Tumkur District

55

No. 409 Tumkur 1st November 1892

To

The Chief Secretary to the
Government of Mysore

Sir

I have the honor to submit herewith the proceedings connected with the case of Nagé gowda and Hanumanthe gowda of Kolavanahalli in the Koratigere Sub Taluk as called for in your official memorandum No. 516 416 of the 25th instant.

2. The appeal petition together with its enclosures are herewith returned as directed.

I have the honor to be
Sir
Your most Obedient Servant

Asst: Deputy Commissioner

ಮೈಸೂರು ಜಿಲ್ಲೆ ಹುಣಸೂರು ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿ ಕಸಬಾ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ ೪೦ ರಲ್ಲಿ ೨ ಎಕರೆ ೨೦ ಗುಂಟೆ ಜಮೀನನ್ನು ಶ್ರೀಮತಿ ಪುಟ್ಟಮ್ಮ ಕೋಂ ಲೇ ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ಇವರಿಗೆ ಮಂಜೂರು ಮಾಡಿರುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ :- ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ ಎ ೨೨೮೮/೯೨-೯೩ ದಿನಾಂಕ ೨೧-೧೨-೯೨

ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೈಸೂರು ಜಿಲ್ಲೆ ಹುಣಸೂರು ತಾಲ್ಲೂಕು ಕಸಬಾ ಹೋಬಳಿ ಕಸಬಾ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ ೪೦ ರಲ್ಲಿ ೨ ಎಕರೆ ೨೦ ಗುಂಟೆ ಜಮೀನನ್ನು ಶ್ರೀಮತಿ ಪುಟ್ಟಮ್ಮ ಕೋಂ ಲೇ ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ಇವರಿಗೆ ಮಂಜೂರು ಮಾಡಿರುವ ಬಗ್ಗೆ ಉಲ್ಲೇಖದಲ್ಲಿ ಕಂಡ ಜ್ಞಾಪನದಲ್ಲಿ ಸೂಚಿಸಿರುವಂತೆ ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಈ ಕೆಳಕಂಡ ಷರತ್ತುಗಳಿಗೆ ಒಳಪಟ್ಟು ಮಂಜೂರಾತಿ ನೀಡಲಾಗಿದೆ.

ಷರತ್ತುಗಳು

೧. ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಯಾವುದೇ ಕಂದಾಯ ಬಾಕಿ ಇರುವುದಿಲ್ಲವೆಂದು ಸಂಬಂಧಪಟ್ಟ ತಹಸೀಲ್ದಾರರಿಂದ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆಯತಕ್ಕದ್ದು.

೨. ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಯಾವುದೇ ಕಂದಾಯ ಬಾಕಿ ಇರುವುದಿಲ್ಲವೆಂದು ಸಂಬಂಧಪಟ್ಟ ತಹಸೀಲ್ದಾರರಿಂದ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆಯತಕ್ಕದ್ದು.

ಸಹಿ/-

ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು
ಹುಣಸೂರು.

ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿ ಕಟ್ಟಿಸಿಕೊಳ್ಳಲಾಗಿದೆ.

ಸಹಿ/-
14/8/93

ಸಂಖ್ಯೆ ಎ ೨೨೮೮/೯೨-೯೩ ಹುಣಸೂರು ದಿನಾಂಕ ೧೪/೮/೯೩

ಕಳುಹಿಸಲಾಗಿದೆ.

MYSORE COURT FEE
MYSORE DEWAN'S OFFICE.
REVENUE DEPARTMENT.
4-5-9
DATE 14-8-93

61

ಸಬ್ ಕೋರ್ಟ್ ಬೆಂಗಳೂರು
10 - 8 - 93
ಅಸಿಸ್ಟೆಂಟ್ ಕಮಿಷನರ್ ಆಫೀಸ್

ಬೆಂಗಳೂರು ಕಂಟೋನ್ಮೆಂಟ್ ಸಿವಿಲ್ ಕೋರ್ಟ್‌ಗೆ.

Civil Suppression
Peon

ಇಂದು 14/8/93

ಸನ್ 1893 ನೇ ಇಸವಿ ಸೆಪ್ಟೆಂಬರ್

ಅಪೀಲು ವಾದಿ.
1 ವೆಂಕಟಸ್ವಾಮಿ
2 ಕೃಷ್ಣಪ್ಪ

ಅಪೀಲು ಪ್ರತಿವಾದಿ.
1 ಸಿದ್ದಲಿಂಗಪ್ಪನವರ ಮಕ್ಕಳು
2 - ಚಿಕ್ಕಪ್ಪ

ಅಡ್ವೊಕೇಟ್ ಯು. ಶ್ರೀನಿವಾಸ್ಅಯ್ಯಂಗಾರ್ಯರವರಿಗೆ–

ಮೇಲ್ಕಂಡ ಅಪೀಲಿಗೆ ನಾನು ಬರಸಿ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ವರದಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ನ್ಯೈಸವೆ ಹೊಂದತಕ್ಕ ಬಗ್ಗೆಯ್ಯ, ಮತ್ತು ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಹಿಕರಿ ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆ ತೆಗದು ಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತನುಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವುದನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿನತಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಆದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು ನೇ
ಸನ್ 189 ನೇ ಇಸವಿ.

ರುಜು

27/12/92 ರಂದು

ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

11/8/93

U. SREENIVASA IYENGAR, ADVOCATE
ಯು. ಶ್ರೀನಿವಾಸ್ಅಯ್ಯಂಗಾರ್
ಅಡ್ವೊಕೇಟ್

ಈ ಮೊಕ್ತ್ಯಾರ್ ನಾವು ಕೊಟ್ಟವರು ನನಗೆ ವರಚಿಮಸ್ತರು ನನ್ನ ಸಮಕ್ಷದು ಇದಕ್ಕೆ ರುಜುಮಾಡಿ ಆವ್ಹಾರೆ ಆದ್ದರಿಂದ ನಾನು ಸರಿಯಿಟ್ಟಿ ಮಾಡಿದ್ದೇನೆ.

2859

(General Serial No. 20.)

1893. 94 P. 129

Petition
Nov 1892

63

From The Deputy Commissioner
Tumkur District

To The Chief Secretary
to the Government of Mysore

L.R. 135-92-L

Dated Tumkur 29th August
Despatched 29th } 1893
Received

Enclosures No. 2 with Record

General No.
No. 198

Deem's Off. Memorandum
No. 328 of the 22nd Instant

Stating that an appeal
was preferred to Government
regarding the Potel of
Holavanalli and other
villages of Kortigeresila Tk=
and the record of the case
sent thither, no further action
was deemed necessary on the
Review application which was
admitted and posted for hear-
ing on the 24th Nov. 1892

Before the Government of *His Highness* the Maharaja of Mysore.

(11)

Appeal No. 47 of 1892-93

Appellants

1. Naga Gowda
2. Hanumantegowda
son of No 1. of
Holavanahalli,
Tumkur District

Vs.

Respondents

1. Nagagowda
2. Virégowda,
son of No 1

L.R. 135-92-7

Dwija Dated 25th November 1893.

Upto 1864 1st Appellant's father and Respondent were Patels of 7 villages being sons of two brothers. In 1866-67, 1st Respondent abandoned the villages and went to Arasandra and 1st appellant's father alone continued to do duties. In 1881 on the death of 1st appellant's father, 1st appellant and his son were appointed 1st appellant for 6 villages and 2nd Appellant for Holavanahalli. In 1885,

1st Appellant deposed before
the Deputy Amildar (2) that
as he was unable to discharge
the duties of the Office, the
2d Respondent who was his
uncle's son and a Hackdar
might be registered as
Patail till his son attained
his majority, that he would
nevertheless continue
to do Police duties, and that
the emoluments should be
divided equally between
himself and the 2d Respondent.
In February 1888, the Deputy
Commissioner, refusing to
approve the arrangement
proposed, asked the Amildar
to appoint a guardian
on behalf of the appellants.
The Amildar raised some
difficulty about the
appointment of a guardian

stated that the minas and endowments were divided between the parties and there was no adverse possession, but no issue having been framed on the point in the Lower Court, and there being no finding on it, the case will be remanded to the Deputy Commissioner for additional evidence being taken on the question of limitation, and the Proceedings resubmitted to Govern. ment within ~~two~~ two months from date of receipt of this order.

19/12/92

By order
Asstt Secretary

Recd
Sd/-

No 9990 dt 23/12/92
Copy to the Deputy Commissioner Amritsar Dist with the records received with his No 4098 dt 1-11-92.

By order
Asstt Secretary

1) When was Sett. introduced
   in Kachin
2) When Potsje was enthroned?
3) Where is 1st apost. letter (1885)
   dating that 9th Rabbi was
   living

2000 Dasara 0 -
26-12-93

No. 887
as 47

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
19/26 December 1893 (10)

Endorsement granted to Ivaga Gowda and Hanumanta Gowda of Halavanahalli, Honnatagere Sub-Division (represented by M/s. S. Narayanaiengar & Co.)

in reply to Their Petition Registered No. 887 dated 10-11-92 appealing against the decision (as 47) of the Deputy Commissioner in appeal No. A 71 91-92 regarding the Patels of Halavanahalli & 6 Alienvillages

Petitioner is informed that the Deputy Commissioner has been requested to enquire and report whether the suit is barred by the Law of Limitation or not and to take such additional evidence as may be adduced by both parties and to report the proceedings to Government within two months from date of receipt of this order.

L.R. 135 92-8

Dy
Rd 1911 nces
Rd 1008
Pet. 64-93

Copy of Rd to Sreenivasaiya Advocate & Respondent
Appeals & another -

"By Order"

Rd draft

Chief Secretary.

Translation-Book

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.

73

Appeal No 47 of 93

Appellants

(13)

Raja Gouda
& Annamma Gouda (Pltf.)

vs

Respondents

Raja Gouda
and Veré Gouda (Defts.)

L.R. 135-92-9.

The additional
evidence recorded
during the trial
of the Respondents' suit
is not barred by
limitation

On the 23 June
1884, the agreement
was entered into between
Raja Gouda (1st Appellant)
and the late Vendal
Gouda on the one part and
and the Respondents

On the other Hus
agreement is admitted
by both parties. It is
recited in that
Appellants and Respondents
are both Regulars to
the Parish Church of
Quebec, that Appellants
Grandfather the family
found it convenient
to Conduct the duties
of all the Colleges ~~Seigneurly~~
~~Seigneuries~~ and that
Respondents Grandfather
in the name of the Appellant
Grandfather the Colleges
Seigneuries and Respondents
Father in Respondents
name. It was further
agreed that each
Grandfather the family
should enjoy the Emoluments

25

Appellants by the
Plaintiff asked to et.
Plaintiff
Defendant, Judge Gowda
(The Appellant) presented
a petition to the Court
praying that
the 12th Feb 1885,
Judgment that the Petition
of Respondent should be
may be heard & in
the name of Peere Gowda
(2 Respondent) and
my appointment
Ordered by Court
be found that
Accordingly by the
Decree of Judge Gowda
dated 30th
Dated the
Dated the 25th Feb 1885, as
directed by the Court
Appellant & Respondent

Value of Crop of Sandalli
It may be observed
that this Order was
passed after Examining
the Parties.

Further it is stated
by the Respondents
that they
Respondents Examined
Khandeshwar
[redacted]
Witnesses
Kunbis, they used to
Come near to Mahadeo
and take their Share
of the Grain Dues
Collected by the Village
They further state that
Respondents Returned
to the Village at the
Close of the Kharif 1876-77
Season and that they
have been receiving their

79

(9)

L.R. 135-92-10

Endorsement
Granted to
Respondents and
Petitioner Chelliah
to reply to the
affidavit dated 10.12.92
filed by Counsel
for Rev. Appellant
1891-92 ~~regarding~~
~~the Petition~~ ordering
the Petitioner Chelliah
to be regarded as
the Respondents
and the Respondents
as the Petitioner.
Petitioner
to file
Respondents

(20

Solicitors are informed that the Court decision which is Copy has been affirmed and their appeal dismissed

Enclosures are returned

(R. O)

Recd 26/9/44.

Only available if
& Mutuk pleased
1877.
Return th:

GOVERNMENT OF MYSORE.

REVENUE.

To

THE SURVEY AND SETT. COMMR.
SUPT. REVENUE SURVEY.
COMMISSIONERS OF DIVISIONS.
DY. COMMISSIONERS OF DISTRICTS.

Dated September 18th,

Despatched

Received

No. 6006.
Rev. 14.

Power of the Deputy Commissioners to revise Shanbhogs and Patels' charges fixed by the Survey and Settlement Department.—Passing orders on the question raised by the Deputy Commissioner of Túmkúr, and concurring in the opinion expressed by the Survey and Settlement Commissioner on the subject.

1890.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 15*th July* 1890,

No. 3631-9.
Cir. 64.

Approving of the sub-divisions of the Shanbhog's charges in the Hosdurga Sub-Taluk.

Mysore Govt. Central Press, Bangalore.—21-8-90.—86

their absence from the village caused the Pateli to be split up into two charges, the village of Holvanahalli forming one charge and the six other villages constituting another charge, and had also got the former charge to be registered in the name of his minor son Hanumanta Gowda and the latter in his (1st Defts) own name.

5 That the Plffs discovered the fraud in 1884 and have been since then urging their claims.

6 That the 1st Defts applied in 1885 to the authorities to get the Pateli of the six villages ~~referred~~ referred to above registered in the name of 3d Plff; and the latter (3d Plff) has accordingly performed the pateli duties of those villages

till 1890.

7 That the Defts have collusively caused the pateli of the six villages to be confirmed to the 2d Defts, the 3d Plff ~~being appointed to~~ performing the duties as guimasta of the 2d Defts; till the latter attained his majority.

8 That the cause of action accrued in 1890 ~~when~~ after the Deputy Commrs ~~passed the~~ order to the above effect, depriving 3d Plff of his independent right.

The case was referred to the Deputy Amildar of Kottagere for holding preliminary inquiry ~~and for submission of the records~~ into of the case. 18.12.90

The Deputy Amildar framed the following issues:

1 Were the 1st Plff and the 1st Defts father doing the pateli duties of the

Asst Commr.)

Mr Ramachandra Rao gent asst Commr on hearing the case passed the following judgment:-

× × ×
× ×

"4. The Patels of the seven villages in dispute originally constituted one Patel charge. From the Barabaluti Registers of 1846-47 it is seen that 1 Nage gowda and 2 Linge gowda were equal hukdars to the Patel. In 1864 when under the circular order of the late Chief Commr Mr Bowring, Registers (Patels) were prepared and an inquiry instituted regarding the Patel offices, the original joint hukdars Nage gowda (Kale Gowda's son)

Dated 18th April 1892

(Vide No 37 of an Rep. of 1847)

and Linge gowda had been dead. Nage gowda had no issues. His elder brother's sons - male gowdana Nage gowda (1st Plff) and Veere gowdana Mudde gowda then urged their claims.

The other registered Linge gowda had also been dead in 1864. His deceased ~~Son~~ Son's Son Basava Linge gowda, Similarly put forward ~~has prosecuted~~ his claims ~~alike~~.

The claims of these three persons viz male gowdana Nage gowda (1st Plff), Mudde gowda father of 1st & 2nd Defts; and Basava Linge gowda were recognized. Under column 14 of the Rejista of 1864 these three persons are entered as actually doing the duties. Some years ago Basava Linge gowda above named who belonged to a caste different from that to

(exclusively) or he may
be allowed to do the
duties by turns.

The splitting up
of the pateli into two
charges in 1881 was
against the circular
in force. If a further
sub division is now
made and the pateli
split up into 3 charges
it will be against
the late Chf Commr's
Cir. order no 600 6. 14 dated
18th Sept. 1877 and
Govt. order no 3631. 64
of 15. 7. 90. Hence
this cannot be allowed.
The 3d Applt's prayer to
allow the duties to be
performed by turns
cannot be granted.
It has been decided
in Govt. Resp 13615-542
dated 24. 2. 91 that suits
of this nature should
not be entertained.

No. 6006
Rev 14 of 18. 9. 77

No. 3631. 9
Cir 64 of 15. 7. 90

e herewith submitted
for reference.

23

the village when there was famine in it. So he will be assigned the less lucrative of the two circles, the Deputy having the more valuable one of Holavanahalli in consideration of his having stuck to his post even in trying times. Each party to bear his own cost."

The present appeal is against the above order of the Deputy Commr. The grounds of appeal

1 The claim of Plff is barred by the law of limitation.

2 It has been distinctly proved that Plff had no possession and enjoyment of the Patel office for more than quarter of a century.

3 The decision of the

Dated 10th October 1892

Deputy Commr is against the several circulars and orders of the Govt quoted by the Asst Commr who tried ~~the~~ the case in the first instance.

On the same date i.e on 10th October 1892 Male Gowdana Naga Gowda and Veere Gowda presented a review petition to the Dy Commr Sunkur.

On the 24th Novr 1892 the Dy Commr ordered that there was no use in going on with the applts for review as the opposite party had appealed to Govt and the records of the case had also been submitted thereto.

vide Dy Commrs order of 24.11.9 and his letter of 29.8.93

Male Gowdana Naga Gowda & Veere Gowda above named have preferred a Cross Appeal* to Govt on the following among other grounds:

1 That the Lower Court was wrong in having given to them (viz Pltffs) the Patelis of the villages whose Potgi is only Rs 7, and to ~~Pltffs~~ Deffts the Patelis of Kusba villages whose Potgi is about Rs 50 or 60

2 That the Lower Court was wrong in having decreed this effect merely because ~~some of the~~ Pltffs had left to be absent from the during the famine

* Dated 14.8

BCh

Deposition of Talavar Vosa Son of Jibi Zumma.

Talavarike Varavard is in my Son Jaya's name. I am discharging the duty. My nephew (Sister's son) Rama conducts the duty. I have been conducting the duties previous to the Survey. When the Balaji Lyelem was in Existence the Shanbogue used to get grain for the Patel. But this was discontinued when money payment was introduced. We used to get the proportionate quantity of grain and straw. I have not seen Patels getting Kana Bhikshe after the money payment was introduced. Mudde gowda father of the appellant had gowda used to get "Sankl Vasiye". If the gowdas and Lettis go there they put forth their hands and take it. If we go, stretch our cloth and ask for doles they give us. After I joined the duty Mudde gowda used to get Grains. I do not know what the practice was previous to this. After I joined the duty Suvane gowda was first acting as Patel and then Mudde gowda succeeded him. Mudde gowda was acting as Patel even during the famine of Bhadra and also when this Sedak was abolished. He died subsequently. After his death the appellant had

Conducts the duties. Mudoopoora Conducts the duties till his death. I have never seen Nagoopoora patlee of Veeroopoora Conducting the duties.

Cross Examination by Vaeroopoora.

Basalingoopoora Son of Swamy poora was Superviseing the Kalave and Engaged in cultivation. When the Balaye System was in Existence the Shanbogue used to get Grain Corps Carpe and also fodder. I do not Know ~~when~~ when Mudoopoora died. Nagoopoora was at Byramahalli before. He is now put up at Bhandinvane. I do not Know how many persons it belongs to. He came to Solavinahalli from Byramahalli lately. It is customary to give Corps if any body come to Kana. It was also in vogue formerly and the custom is in force now. Even if the Patel comes Corps is given to him. I cultivate land and I also give Corps.

Deposition of Talavar Nipedar Karegowda.

I was conducting the duties of Talavar and also when the Balaye System was in Existence. Then they used to allot fodder in the grain for the Washermen, barbers, Talavars, and Potis but not to Poodas and Shanbogues. This fodder System was abolished with the Balaye System. Subsequently they use to pay us Corps in grain if we went to field or Kana.

30

When we had left the village the appellant Kasipowda used to receive it and deliver to us among during our visits. We have no receipts for this. It is true I executed the Karar marked X. The statement of the appellant that as my brother did not approve of the Karar it was not acted up to is false. Myself having agreeably hereto conducted the duties for six years have received the Polisi. I have already produced copy of the receipt for the payment of the polisi to me. Mere witnesses Kusa Kasipowda's delivery to me of the "Seriya" recovered from the dyoli.

Deposition of Kariyiriya.

Subsequent to the preparation of Register in Kudiroda pari Kandasowda brother of the appellant Kasipowda, and Eera Hammesowda Elder brother of the Respondent were conducting the duties jointly of the Kavadra and the Village jointly. The respondent Veerasowda and his father Kasipowda went during the famine of Akkaya to Kanakandra. Eera Hammesowda

used to come annually from Ramasandra and stop at Holavanhalli for three months. Both Hussepoodi and Eera Hanumappa used to share peaceably amicably in the "Teipa Lands" that were received. They returned from Ramasandra and settled in the village at the close of the famine of Dhata. Even after their return to the village they used to apportion amicably the "Teipe Lands". Subsequently they Executed the Karar and conducted the duties. No "Aya" or Meirasi is now paid by the Ryots of the Kasaba and the Villages to the Patel: According to my term I performed the duties of Shanbogue of the Kasaba and the Villages during Akshaya, Prabhava & Vibhava. 4 or 5 Candies of grain used to be collected by Teipe Lands. Each of them used to share about 10 Kolapas of grain. I myself have apportioned and distributed the same.

Cross Examination by the appellant Hajeppa - Though

Though there was no "Aya", "Meire" or Meirasi there was always Teipe Lands. Till the Settlement of Survey they were conducting the Patels of Holavanhalli without any remuneration. No Inam Lands are attached to offices.

86

I am not a Baravardar but an Hisse-dar. I conduct the Talwar duties by turns. Zirpa is paid to anybody who comes to the Kana and asks for it. If not asked he will not get it. Zirpa-pars (~~Lapse~~) and Ayapars frequent the Kana. I am paid Aya. Aya is given to me if I go to Kana during threshing season. It is also given in the house if I go there. Zirpapars use to receive Zirpa even before the Survey. It is also in vogue even now. We had a proportionate quantity of lands previous to Survey. The quantity was not fixed. After the Survey settlement a ~~rate~~ share was fixed I know Mudegowda was conducting the office of Patel. Patel Hasegowda dwells in a house known as "Devara-bandi mane". One portion is used for picketting cattle and one portion is used for cooking and the other is used for worshipping God. I do not know that he has got another house besides this.

Deposition of washerman Timma.

I am a Panada (professional man) of Ayapara. When the Balaji system

was in Existence we and the barbers used to receive a fridge in the Balaye prain. after the System was abolished and money prants were introduced we were not receiving fridge. We used to work for the ryots who were giving us prain den in the Kana. There was no Aya or Nurse for the Palil previous to Surveys. I have not seen Mini Kana Seipe. Nor have I seen others performing it. From the beginning I have been practising Kana Seipe. I am not entitled to Seipe and I get the prain as my wages. Nor am I entitled to "Sauli Pasipe". Settis, Gejamans, Lowders, Talavers, Naikers and Zotis used to get "Sauli Pasipe". Formerly Nadeporda father of the appellant Rapporda used to get this. Rapporda is getting this now. I and the barber do not get it. I do not know about the Nadipara. I have never seen Veerporda's father acting as Palil of this Village.

Cross Examination by Veerporda.

I know Nundeporda and Rapporda. I was doing their work then & am also doing their work now. Rapporda is now put up in Bandi Prame. He has no other house besides this. I do not know whether the house belongs to the brothers of the porda.

110

He and put up at Baudrinane. He came and stopped in the house built by four of his Dayadis. Mudde gowda used to conduct the duties without any recompense by maintaining himself from the produce of his land at Driffenahalli. He never used to go to Kana for Teipa. We had Aya and Nirasi and we used to go there. The Shanbogue had Aya and Nirasi then. The office of Patel was not in Existence when the Balaji Lyelen was in Existence. I do not know whether the Balaji Lyelen was in Existence when Fakeergeen Sabi was Patel. Mudde gowda was the Patel in Akkahaya. 10 or 15 years might have Elapsed since his death I have not seen Rage gowda father of Veere gowda Ever acting as Patel.

Cross Examination by Veere gowda.

Mudde gowda used to receive doles during Sankē. He used to be called as Gollé gowda. I do not know of his asking for Teipe at the Kana.

Deposition of Goldsmith Seranappa.

I have not paid Aya or Nirasi either to the Appellant Rage gowda or his father Mudde gowda. Nor have I paid the same to others. I was born in this Village. It is for 8 years ago I bought land. I have not seen Rage gowda father of

Veerasowda Ever acting as Patel either at the Kasaba or in the Villages.

Cross Examination by Veerasowda.

I do not know whether my father had any lands.

Deposition of Soldmaker Dasi.

We were not receiving Aya or Inam when the Balaji System was in Existence. I was not here then. I was at Madakeri When I came here the Balaji System had been abolished and Kandaya System was in force. After the Balaji System was brought into force we did not never used to give pots and receive Aya, Inam in return at the Kana. People used to buy pots by paying for them in grain in their houses. I have not seen Rasappa father of Veerasowda Ever acting as Patel either at the Kasaba or in the Villages.

Cross Examination by Veerasowda.

I paid the years land tax to Veerasowda thinking him as the ~~Patel~~ Village Patel. I was paying Kasaba Kandayam to the Chamboje Annappa and Patel Muddesowda. It is six years ago I bought a field at Devanahalli. Previous to that I had no lands any where -

Deposition of Soli Narasa -

My father was in office when the

No. 360/23-7-85.

Hukum from Kolaramballi Samanal to Digganahalli Ereyoodas.

Raje Gowda Patil of Kolaramballi having presented a petition to the Taluk requesting that as he could not conduct simply the Patil of this village and also that of Haravagondanhalli Pirka, you should be nominated to the office Pirkas and work taken from you, both of you were sent for to the office and on investigation it was arranged that Raje Gowda should conduct the police duties connected with the two Pirkas and that you should conduct the Revenue duties. Hukum No. 465 of 31st March has been received directing that work should be taken from you according to the above arrangement. In pursuance of the above Hukum has been intimated to you, you should conduct the duties without giving reason to any complaint.

Raje Gowda (Respondent) 1

Middle Gowda 1

Rango Gowda (Petitioner) 1

Eere Gowda (Respondent) 1

Hanumanta Gowda 1

framed on the point in the Lower Court, & there being no finding on it, the Case will be remanded to the Dy Court for such enquiry & a decision de novo.—

MP

25/11/93

Mrs Orr informed that the Dy Court has been requested to enquire on the point whether the deed is barred by the Law of Limitation or not & to pass a decision de novo.

MP

(3) (General Serial No. 30.)

OFFICE OF THE 4636. 8 - NOV. 9 Received 224 DEWAN

54

189 2 - 93

From Under Commissioner Tumkur District

10 August 1893
ed 5th October 93
ies 23-11-93

To The Chief Secretary to the Government of Mysore.

Dated Tumkur 1st November/92

Despatched 2.

Received

1847/93

Enclosures No. 4 - Enclosed Pro. in separate Bundle.

General No.
No. 409.

Le Cos appeal on 14 Aug 93 (2459)

L.R. 135-92-3

Secy's Official Memorandum No. 416 (5/6) of the 25th Oct.

Submitting the Proceedings connected with the case of Nagegowda and Hanumanthegowda of Holavanalli in the Koratigere Sub Dk.

Petn for Mem 3/11/92

V. Shrauti
L- arrange this into G.T within 3 days
4th 5th/11/92

Pd for Rs.
Fee in stamps
Rs.

4/11/92

(General Serial No. 32.)

1893.

No. 459

Name of Petitioner, Virarayoodaiyan

Village. Holavanahalli

Taluk. Koratagere

District. Tumkur

Date of Arzi. 14. August. 93.

Date of Receipt. 14. August. 93.

Date of Disposal.

No. of Enclosures. One

ABSTRACT.

The General Asst. Commr. and the Dy Commr. were wrong in saying the appellant to and respondents to both Lakkundars for the patelsh and in giving the respondents (petitioners) villages where the can hope only for 70 or 8 Rupees giving appellants 6 villages wh they can get about 50 or 60 Rupe The appellants can again hope f some more money in pound and Sayer. The Lower Court erred in saying that they had le their claim to the Kasba village not reckoned because they were absent some days during the fa The Dy Commissioner erred in ordering to look after the pick an poor villages in Taluk and ab

[illegible] not ordering the [illegible]
Village to pay some thing to the Utter
Sable. for the above reasons they
again applied to the Dy Com[r]. with
2/6 Stamps for a Warrant and before
the hearing date the file had to be
sent here as the Utter party appeals
in this office - May therefore request
that the Money may be returned to
them and that Justice may be
done to them for the various reasons given
above

[illegible]
No 8.

14/8/93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 459 dated 14th August 93 received at the Dewan's Office from Mallegoudan Nagegouda and Kiregouda ~~alias~~ of Holavankalli, Tortag. Sub-Taluk, appealing against the decision of the Deputy Commr of Tumkur in Rev. appeal No 11 of 1891-92, regarding the Patels of Holavankalli & the village is forwarded, together with its / enclosures, to the Deputy Commissioner Tumkur District for submission of the ~~Petition~~ Application referred to in para 5, with report as to whether the application was admitted; if not at what stage it is pending before him.

By Order,

Draft

Chief Secretary.

BANGALORE, 22/8/1893.

M. G. C. P. Bangalore.—21-11-92—3,000.

Deputy Commissioners Off
Tumkur Distr

64

No 198. Tumkur 29th August

7

To.

The Chief Secretary
to the Government of Mysore

Sir

As called for in your official Memorandum No. 328 of the 22nd Instant, I have the honor to forward herewith the application for Review therein referred to and to state that it was admitted on the 27th October 1892 and posted for hearing on the 24th November 1892, but as in the meanwhile an appeal was preferred to Government and the record of the case sent thither, no further action here was deemed necessary and accordingly an order to that effect was passed and the parties were

informed of it. 68

2. The enclosures of the Memorandum under reply are here-with returned-

I have the honor to be,

Sir,

Your most obedient Servant

Deputy Commissioner

Timiskin District

gumastā, and in
the 2d Respondent to be
appointed as Gumastā
on behalf of Circar.
This was sanctioned by
the Assistant Commissioner
in November 1888, as a
temporary arrangement.
In December 1889, the
1st appellant withdrew
the consent he gave to
the appointment of the 2d
Respondent. In 1890, 2d
Respondent was turned
out of his gumastāship
and another appointed.
In December 1890, the 1st
and 2d Respondents brou
a suit for the Office,
and the Assistant
Commissioner decided
that as the Respondt
had a right to the

they should be appointed
to one of the two Firkas
when a vacancy occurred.
The Deputy Commissioner
on appeal modified the
decision and decreed
Holvanahalli to appellants,
and the other villages to
Respondents. The appeal
is against this decision.
The Respondents have put
in a Review petition before
the Deputy Commissioner
claiming more than was
granted to them. But the
Deputy Commissioner
took no action thereon
owing to the appeal preferred
by the appellants.

2. Appellants' chief
contention is that the
suit is barred by the
Law of Limitation. The
Respondent, by his advocate,

(10)

Draft

Chief Secretary

Copy to Respdt Advocate.

29/11

7 7 8

Shaw Lucas ≠

His and
complied with the
documentary
~~exposed to abuse~~
the Conduct of
Appellants referre
abuse proves the
Continued sentence of the Ke
right to the
in Question.

The Court
of opinion the
suit is not ba
by limitation
& decision of
by Comm is c
and his appea
dismissed

(180)

A.P.
11/5/94

19-11-94 -

No. 8673
Pet. Fi. 69-93 Dy 4-11-94
30

The Dy Comm Treasurer
returning the Records
received with his
No 95-4 dated
25 May 1894.

(Bio)

Ch. Ley